

REMARKS

This Response is to the final Office Action dated December 12, 2007. Claims 1 to 107 are pending in this application. Claims 1 to 13 and 39 to 98 were previously withdrawn due to a restriction/election requirement. In the Office Action, Claims 99 to 107 were subject to a Restriction Requirement. Claims 14 to 38 stand rejected. Claims 14 and 38 have been amended herein.

In the Office Action, Claims 14 to 20, 33 to 35 and 38 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 2002/0104800 to Collins et al. ("*Collins*"). Claims 21 to 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Collins* in view of U.S. Patent No. 5,932,103 to Kenley et al ("*Kenley*"). Claims 36 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Collins* in view of WO 99/29355 to Sternby ("*Sternby*"). Applicants respectfully submit that the claims as presently presented are patentable over the applied art for the reasons discussed below.

Fig. 9 of U.S. Patent No. 6,916,424 to Collins issued from the *Collins* publication cited herein was analyzed in the Response of October 3, 2007. There, it was highlighted that in the Fig. 9 embodiment, the entire dialysate stream is filtered before being delivered to the dialyzer cartridge 10 at inlet port 15. Thus the dialyzer of *Collins* at Fig. 9 does not appear to be isolated and is instead operable during the alternative embodiment of Fig. 9. The present Office Action does not dispute this conclusion as set forth in paragraph 10 in the Response to Arguments section. Instead, Fig. 1a and paragraphs 37 to 45 of *Collins* are applied to the present claims.

Applicants respectfully request that the teachings of *Collins* at Fig. 1a and associated disclosure be reconsidered in light of the presently presented claims. The Office Action takes supply 50 of *Collins* as the "medical fluid supply" of claim 14 and pump 62 of *Collins* as the "first pump" of claim 14. The portion of the specification on priming (paragraph 45 of *Collins* or column 10, line 42 of U.S. 6,916,424) specifically states that pump 62 pulls from a separate reservoir 300 for bolus, prime and rinseback, not from supply 52. Claim 1 has been amended slightly to clarify that the control scheme pulls liquid from the medical fluid supply of the claimed medical fluid flow path, not from a separate reservoir of another flow path. The claim is also clarified such that the supply operates in a non-isolated condition with the pump to deliver medical fluid to the extracorporeal circuit/filtering device. This clarification precludes reservoir

300 from being taken as the “supply” of the claim because pump 62 in a “non-isolated” condition is taught instead to pull fluid from supply 52 (see, e.g., paragraph 41 of *Collins*).

The reasons specified above for the patentability of claim 14 also render withdrawn claims 99 to 107 patentable without having to consider balance chambers separately. That is, pump 62 and isolating valves of *Collins* do not meet the isolating features of Claims 99 to 107, regardless of what structure “balance chambers” is taken to be in *Collins*.


Applicants further respectfully submit that the proposed amendments to Claim 14 do not narrow the scope or meaning of the claim versus the scope and meaning it had been given after the previous Response and interview. Instead, the clarified claim is patentable over *Collins* even given its broadest interpretation. Accordingly, Applicants respectfully submit that searching in addition to the extensive searching already performed in this case is not needed and that the proposed amendment should be entered.

Claim 38 has been amended merely for clerical reasons and for no reason related to patentability or to disclaim any subject matter over the art of record.

For the foregoing reasons, Applicants respectfully submit that Claims 14 to 38 and 99 to 107 of the above-identified patent application are now in condition for allowance and earnestly solicit reconsideration of same. The Commissioner is hereby authorized to charge Deposit Account 02-1818 for any other fees which are due.

Respectfully submitted,

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